

# EXHIBIT P

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9 *Interim Co-Lead Counsel and Counsel for Plaintiffs*

10  
11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13  
14 IN RE SONY PS3 "OTHER OS"  
15 LITIGATION

CASE NO. CV-10-1811-RS (EMC)

16 **DECLARATION OF JOHN R. FABRY IN**  
17 **SUPPORT OF PLAINTIFFS' MOTION**  
18 **FOR A PROTECTION ORDER**

19  
20  
21 I, John R. Fabry, declare:

22 1. I am an attorney with Bailey & Galyen, one of the counsel of record for the Plaintiffs in the  
23 above-captioned litigation. I am a member in good standing licensed to practice law in the State of  
24 Texas, and admitted *pro hac vice* in this matter.  
25  
26  
27  
28

DECLARATION OF JOHN FABRY  
CASE NO. CV-10-1811 RS (EMC)


1  
2 2. I have spoken to John Molisani, a forensic engineer with a degree from Tulane University in  
3 Computer Engineering. Mr. Molisani's curriculum vitae is attached hereto as Exhibit A.

4  
5 3. Mr. Molisani has indicated that he can travel to San Francisco, create an exact bit-by-bit image  
6 of the hard drives of the Plaintiffs' PS3 consoles, analyze the information on the hard drives, and  
7 prepare an independent and impartial report to provide to Defendant which will (a) identify the  
8 equipment he examined by serial and model number, (b) set forth whether Linux or another operating  
9 system was installed on the PS3 using the "Other OS" function and the date of installation, and (c) state  
10 whether certain types of files exist on the hard drives, such as music, movie, word processing, email,  
11 video game or other Linux software related files.

12  
13 4. Mr. Molisani has estimated that it would take approximately three days to complete these tasks,  
14 at a rate of \$350 per hour.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and  
16 correct to the best of my knowledge.  
17

18  
19 Dated: December 10, 2010

20  
21   
22 John R. Fabry  
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DECLARATION OF JOHN FABRY  
CASE NO. CV-10-1811 RS (EMC)

PCL XL error

Subsystem: KERNEL

Error: illegalOperatorSequence

Operator: 0x4d

Position: 23